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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,441	10/02/2000	Robert G. Arsenault	PD-200020	4396

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,441

Applicant(s)

ARSENAULT ET AL.

Examiner

Annan Q. Shang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 45-60 are rejected under 35 U.S.C. 102(b) as being anticipated by **Klosterman (6,072,983)**.

As to claims ~~45~~ 45-47, note the Klosterman reference figures 1 and 3, discloses merging multi-source information in a television system and further discloses a legacy network broadcasting of a first signal to legacy receivers and non-legacy receivers on a plurality of service channel identifiers, the first signal including a first set of programs and a non-legacy network broadcasting a second signal to the legacy receivers and the non-legacy receivers on the plurality of service channels described by the plurality of service channel identifiers, the second signal including a second set of programs, a method of providing program guide (EPG) information to the legacy receivers and the non-legacy receivers, comprising the steps of:

transmitting "means for transmitting" (Local cable 'CATV'/Direct Broadcast Satellite System 'DBS' sources, col. 3, lines 4-15) first program guide information (EPG-1) describing the first set of programs from the legacy network (CATV/DBS) to the legacy receivers (Cable Box 26, figs. 1a, 3, col. 4, lines 1-26) on a first service channel

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of a plurality of service channels and from the legacy network to the non-legacy receivers (IRD Box 28) on a second service channel of a plurality of service channels(col. 7, lines 1-42); and

transmitting "means for transmitting" (CATV/DBS) second program guide information (EPG-2) describing the second set of programs from the legacy network to the non-legacy receivers on a third service channel of a plurality of channels (col. 3, lines 36-45 and col. 4, line 55-col. 5, line 4), note each source transmits program guide information or television schedule data on separate channels, which includes other transmission medium, such as dedicated twisted pair telephone line and the Cable box 26 or the IRD Box 28 receives the EPGs accordingly.

As to claim 48, Klosterman further discloses where the system comprises a second non-legacy network (col. 4, lines 15-26, multiple satellite sources) broadcasting a third signal to the Cable Boxes 26 and IRDs 28 on the plurality of service channels described by the plurality of service channel identifiers, the third signal including third set of programs, and the EPG-2 further describes the third set of programs (col. 7, lines 1-42).

As to claims 49-50, Klosterman further discloses transmitting at least one message (fig. 3, channel information) to a subset of receiver stations, the message channel information comprising information identifying the second service channel where the channel information is transmitted to at least one receiver station based on a comparison of a subscriber service preference accepted from the receiver station and the service criteria (col. 6, line 28-67 and col. 7, line 54-col. 8, line 24).

Claims 51-54, the claimed system contains the same structural elements as rejected claims 45-48.

Claims 55-58, the claimed system contains the same structural elements as rejected claims 45-48.

Claims 59-60 are met as previously discussed with respect to claims 49-50.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gordon et al (6,732,370) disclose service provider side interactive program guide encoder.

Ogawa et al (6,314,571) disclose EPG data collection and delivery system and EPG data collection and delivery device therein.

Rowe et al (6,008,803) disclose system for displaying programming information.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

Annan Q. Shang.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600